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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/542,897 04/04/00 CHISNELL

J FTP141A US

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PM82/0830

EXAMINER

RODGERS, M

ART UNIT

PAPER NUMBER

3626
DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/542,897

Applicant(s)

CHISNELL, JERRY H.

Examiner

Matthew E. Rodgers

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to a composite sleeve seal and a fluid tight conduit connection having a composite sleeve seal, classified in class 277, subclass 602.
- II. Claim 14, drawn to a method of manufacturing a composite sleeve seal, classified in class 264, subclass 274.

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case product as claimed can be made by another and materially different process. The composite sleeve seal as claimed may be fabricated by installing preformed o-rings over the body portion in the gaps defined between the collar sections, and to the exterior and/or interior of the link segments. The o-rings would surround "at least one link segment to interlock at least one seal portion with said body portion" as recited in the claims.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Remy J. VanOphem on August 24th, 2001 a provisional election was made with traverse to prosecute the invention of the composite sleeve seal and a fluid-tight conduit connection having a composite sleeve seal, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claim 14 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 rejected under 35 U.S.C. 102(b) as being anticipated by Baron (WO97/16670, see USPN 6,260,851 for English language translation). In Figure 2, Baron teaches the use of a body portion having a plurality of collar portions continuous with a plurality of seal portions (18, 21). In Figure 5, Baron teaches that link segments (47) may be positioned to extend axially from the collar sections (51). Baron shows, in a combination of the embodiments shown in Figures 2 and 5, a composite sleeve seal comprising a body portion (16, 19) including a plurality of collar sections (numbered 51 in Figure 5) space apart by at least one gap and having at least one link segment (47) defined therefrom; and at least one seal portion (18, 21, 42) contiguous with at least one collar section, disposed in the at least one gap between the plurality of collar sections,

and surrounding the end of at least one link segment at a junction (49) to interlock the at least one seal portion with the body portion.

The collar sections are made of plastic (col. 2, lines 54-55), and the seal portions are made of rubber (col. 22, lines 51-52). The link segments comprise three link segments (col. 5, line 11) that extend axially between the collar sections. The three link segments are circumferentially spaced 120 degrees apart (col. 5, lines 9-12, and as shown in Figure 6). One of the collar sections includes a tapered portion having a tapered surface thereon (as shown at the mating end of collar section 16 in Figure 2).

Baron shows the composite seal with a fluid-tight conduit connection having a female component (3) and a male component (2) positioned within the female component such that the female component circumscribes the male component, with the composite seal interposed between the male and female components. The female component includes a mounting surface (10) and a throughbore (4). The throughbore has a chamfer in the mounting surface (shown on the mating end of bore 4), the chamfer and the throughbore define a transition surface therebetween (ring formed from an annulus of intersecting points formed at the intersection of the chamfer and the throughbore (10)). The tapered portion of collar section (16) engages the transition surface of the female member.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Solberg (USPN 6,003,873) shows relevant seal structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Rodgers whose telephone number is (703) 306-3406. The examiner can normally be reached on regular work hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3598 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



MR
August 27, 2001



Anthony Knight
Supervisory Patent Examiner
Group 3600